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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Jacqueline S. Corley, Magistrate Judge

IN RE: FACEBOOK, INC. CONSUMER )  
PRIVACY USER PROFILE LITIGATION.) **NO. 18-MD-02843 VC (JSC)**  
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San Francisco, California  
Tuesday, May 18, 2021

**TRANSCRIPT OF ZOOM WEBINAR PROCEEDINGS**

**APPEARANCES VIA ZOOM:**

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**(APPEARANCES CONTINUED ON THE FOLLOWING PAGE)**

Reported By: Marla F. Knox, RPR, CRR, RMR  
United States Official Court Reporter

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BY: **ORIN SNYDER, ATTORNEY AT LAW**

Also Present:

**HONORABLE GAIL A. ANDLER**

Tuesday - May 18, 2021

8:31 a.m.

**P R O C E E D I N G S**

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**THE CLERK:** Court is now in session. The Honorable Jacqueline Scott Corley presiding.

Calling civil action 3:18-MD-2843 In Re: Facebook.

Counsel, starting with Plaintiff, can you please state your appearance.

**MR. LOESER:** Sure. Derek Loeser from Keller Rohrbach. Also with me from Keller Rohrbach are David Ko and Cari Laufenberg.

**THE COURT:** Good morning.

**MS. WEAVER:** Leslie Weaver at Bleichmar Fonti & Auld. With me are Matt Melamed and Anne Davis.

**THE COURT:** Good morning.

**MR. MELAMED:** Good morning.

**MR. SNYDER:** Good morning, Your Honor. For Facebook, it's Orin Snyder, Deborah Stein, Martie Kutscher-Clark and Russ Falconer.

And we agree that Judge Andler and Mr. Garrie are miracle workers. And we are very grateful to them.

**THE COURT:** Good morning. And good morning, Judge Andler.

**JUDGE ANDLER:** Thank you. Good morning.

**THE COURT:** All right. Well, thanks for your, once

1 again, one-page statement. Can't tell you how happy that makes  
2 me.

3 In any event -- and I saw that I will be deciding the  
4 confidentiality issue, which is perfectly fine.

5 Thank you for seeing if you could do something with it,  
6 but I'm happy to decide that.

7 And so what else should we discuss this morning?

8 **MR. LOESER:** Your Honor, I guess just starting with  
9 that, Facebook I think just needs a date for its reply brief.

10 **THE COURT:** All right. When -- I am starting a  
11 three-week jury trial on Thursday.

12 So you can file it, but I won't look at it for at least a  
13 couple of weeks. So when would you like to file that,  
14 Mr. Snyder?

15 **MR. SNYDER:** May I defer to my team because --

16 **THE COURT:** -- they will be writing it? Yes.

17 **MS. KUTSCHER-CLARK:** We are happy to file it within a  
18 week, Your Honor.

19 **THE COURT:** Okay, great. All right. We will just  
20 take the matter under submission. I will let you know or  
21 whenever our next hearing is, if I have to wait until then.

22 **JUDGE ANDLER:** And, Judge Corley, if it would be  
23 helpful to you, I would be happy to recommend to Counsel  
24 offline, perhaps, somebody to do a report and recommendation to  
25 you on the confidentiality issue.

1       Because of my role as mediator, I don't think it was  
2       appropriate to suggest that I would do it; but I still think  
3       that there is some value to that process if you wanted a master  
4       on the confidentiality or privilege issues.

5               **THE COURT:** Well, I would only -- if the parties  
6       agree, I would say sure, I would be happy to have that.

7       But I want the parties to agree because this process is a  
8       completely voluntary process. So I leave that completely up to  
9       the parties.

10       And it would have to be agreement on both sides. Thank  
11       you.

12       Okay. Anything else we should discuss, Mr. Loeser?

13               **MR. LOESER:** Sure. And we are pleased with the  
14       progress. I mean, obviously there is a lot to do. There is a  
15       lot of work that still needs to happen, and there is a lot of  
16       progress that we hope to have going forward.

17       One thing that we have started talking about is the  
18       schedule and the -- there is lots of disagreement as to the  
19       interim dates, but the parties are not that far off on a  
20       proposed trial date.

21       We had suggested May of 2023, which is, you know, our  
22       effort to acknowledge the fact that this process has been slow;  
23       and there is not much production really out of the total  
24       production that will occur.

25       I believe Facebook was thinking something like the summer

1 of 2023. So I don't think we are that far off on a possible  
2 trial date. And then all the dates would get filled in back  
3 from there.

4 So what the parties are working on now, we hope to have  
5 something soon that we can submit. Not sure really how the  
6 Court would respond to that schedule.

7 And I'm sure we will get some feedback from you and from  
8 Judge Chhabria soon at the CMC.

9 **THE COURT:** When is the CMC? You know, if the  
10 parties -- if the CMC is too early, just let him know.

11 We sort of -- I know -- he scheduled that CMC before he  
12 had spoken to me; but if you wanted to put it off, you know, a  
13 couple weeks or whatever it is until you had something more  
14 definitive, he said that was fine if you stipulated to it.

15 **MR. LOESER:** Okay. I think from the Plaintiffs'  
16 perspective we are happy to have the conference at the new  
17 date. I think it is the 27th. But obviously we will talk to  
18 Facebook and see what their view is.

19 **THE COURT:** It might be useful because you may be  
20 somewhat having this conflict about the trial date, and he has  
21 something different in mind or he is going to be definitive in  
22 it anyway. So why not figure out what he says.

23 **MR. LOESER:** Right, we agree.

24 That's really all I have on my list. And if we can make  
25 this quick so that it ends before you get frustrated with us,

1 that would be great.

2 **THE COURT:** Oh, I never get frustrated with you, do I?

3 (Laughter)

4 **THE COURT:** All right. So we should probably schedule  
5 a next date because I do think it is helpful; right. It gives  
6 you something to work towards in terms of also scheduling your  
7 time with Judge Andler.

8 Would you like to come back in about a month, the week of  
9 June 21st?

10 Mr. Snyder gave me a thumbs up. Does that work for the  
11 Plaintiffs?

12 **MS. WEAVER:** That's fine.

13 **THE COURT:** How about Wednesday, June 23rd at  
14 8:30 a.m.?

15 **MR. SNYDER:** That's great for Facebook. Thank you,  
16 Judge.

17 **THE COURT:** All right. And I should have the  
18 confidentiality decided by then. If I need oral argument, then  
19 just be prepared on the 23rd to address it.

20 (No response.)

21 **THE COURT:** Great. Well, thank you very much.

22 **MS. WEAVER:** Thank you, Your Honor.

23 **MR. LOESER:** Thank you, Your Honor.

24 (Proceedings adjourned at 8:36 a.m.)

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CERTIFICATE OF REPORTER

We certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

DATE: Wednesday, May 19, 2021



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Marla F. Knox, RPR, CRR, RMR  
U.S. Court Reporter